

## **IC 32-33-5**

### **Chapter 5. Ambulance Liens**

#### **IC 32-33-5-1**

##### **"Emergency ambulance services" defined**

Sec. 1. As used in this chapter, "emergency ambulance services" has the meaning set forth in IC 16-18-2-107.

*As added by P.L.2-2002, SEC.18.*

#### **IC 32-33-5-2**

##### **"Provider" defined**

Sec. 2. As used in this chapter, "provider" means a provider of emergency ambulance services other than a hospital.

*As added by P.L.2-2002, SEC.18.*

#### **IC 32-33-5-3**

##### **Lien for reasonable and necessary charges upon any claims accruing to patient; scope of lien**

Sec. 3. (a) A provider has a lien for all reasonable and necessary charges for the provision of emergency ambulance services to a patient upon any cause of action, suit, or claim accruing to the patient, or in the case of the patient's death, the patient's legal representative, because of the illness or injuries that:

- (1) gave rise to the cause of action, suit, or claim; and
- (2) necessitated the provision of emergency ambulance services.

(b) The lien:

- (1) applies to any amount obtained or recovered by the patient by settlement or compromise rendered or entered into by the patient or by the patient's legal representative;
- (2) is subject and subordinate to any attorney's lien upon the claim or cause of action; and
- (3) is not applicable to accidents or injuries within the purview of:

- (A) IC 22-3;
- (B) 5 U.S.C. 8101 et seq.; or
- (C) 45 U.S.C. 51 et seq.

*As added by P.L.2-2002, SEC.18.*

#### **IC 32-33-5-4**

##### **Perfecting lien; procedure; contest**

Sec. 4. (a) To perfect a lien under this chapter, the provider must file in the office of the recorder of the county, within sixty (60) days after the provision of services, a verified statement in writing that includes the following:

- (1) The name and address of the patient.
- (2) The name and address of the provider.
- (3) The date services were provided.
- (4) The amount claimed to be due.
- (5) To the best of the provider's knowledge, the names and addresses of anyone claimed by the patient or by the patient's

legal representative to be liable for damages arising from the illness or injury.

(b) Within ten (10) days after filing the statement, the provider shall send a copy by registered mail, postage prepaid:

(1) to each person claimed to be liable because of the illness or injury at the address given in the statement; and

(2) to the attorney representing the patient if the name of the attorney is known or with reasonable diligence could be discovered by the provider.

(c) The filing of a claim under subsection (a) is notice to any person, firm, limited liability company, or corporation that may be liable because of the illness or injury, if the person, firm, limited liability company, or corporation:

(1) receives notice under subsection (b); or

(2) resides or has offices in a county where the lien was perfected or in a county where the lien was filed in the recorder's office as notice under this subsection.

(d) A person desiring to contest a lien or the reasonableness of the charges claimed by the provider may do so by filing a motion to quash or reduce the claim in the circuit court in which the lien was perfected, making all other parties of interest respondents.

*As added by P.L.2-2002, SEC.18.*

#### **IC 32-33-5-5**

##### **Endorsement of date and hour of filing claim**

Sec. 5. (a) The recorder shall endorse on the statement filed under section 4 of this chapter the date and hour of filing.

(b) The recorder shall charge a fee for filing the statement in accordance with the fee schedule established in IC 36-2-7-10.

*As added by P.L.2-2002, SEC.18.*

#### **IC 32-33-5-6**

##### **Validity of lien; release or settlement of claim; satisfaction of judgment; jurisdiction**

Sec. 6. (a) A lien perfected under section 4 of this chapter is valid unless the lienholder executes a release of the lien under section 7 of this chapter.

(b) The release or settlement of a claim with a patient by a person claimed to be liable for the damages incurred by the patient:

(1) after a lien has been perfected under section 4 of this chapter; and

(2) without obtaining a release of the lien;

entitles the lienholder to damages for the reasonable cost of the services provided.

(c) Satisfaction of a judgment rendered in favor of the lienholder under subsection (b) is satisfaction of the lien.

(d) An action by the lienholder shall be brought in the court having jurisdiction of the amount of the lienholder's claim and may be brought and maintained in the county of residence of the lienholder.

*As added by P.L.2-2002, SEC.18.*

#### **IC 32-33-5-7**

##### **Release of lien; filing executed certificate; entry in lien book; lienholder's liability**

Sec. 7. (a) To release a lien perfected under section 4 of this chapter, the provider to whom the lien has been paid must file with the recorder in whose office the notice of the lien was filed an executed certificate:

(1) stating that the claim filed by the provider for the provision of emergency ambulance services has been paid or discharged; and

(2) authorizing the recorder to release the lien.

The provider shall bear the expense of obtaining a release.

(b) Upon receipt of the certificate, the recorder shall enter in the margin of the record of the lien and the entry book a memorandum of the filing and the date the certificate was filed. This entry constitutes a release of lien for which the recorder shall receive the fee prescribed in IC 36-2-7-10.

(c) If the amount of a lien has been satisfied or paid and subsequently a demand for a release of the lien is made, the lienholder is liable to the person, firm, limited liability company, or corporation against whose interest the lien has been filed for ten dollars (\$10) for each day that the lien remains in effect after the fifteenth day after the demand for a release of the lien was made.

*As added by P.L.2-2002, SEC.18.*

#### **IC 32-33-5-8**

##### **Limitation on provider's right**

Sec. 8. This chapter does not give any provider a right:

(1) of action to determine liability; or

(2) to approve a compromise or settlement;

for injuries sustained by any person covered by this chapter.

*As added by P.L.2-2002, SEC.18.*